APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/772,902	02/05/2004	Peter C. Huene	MSFT-2929/303466.01	5355

41505 7590 04/10/2007	EXAMINER	
WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)	NAHAR, QAMRUN	
CIRA CENTRE, 12TH FLOOR		
2929 ARCH STREET	ART UNIT	PAPER NUMBER
PHILADELPHIA, PA 19104-2891	2191	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/772,902	HUENE ET AL.
	Examiner	Art Unit	
	Qamrun Nahar	2191	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 February 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-27</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-27</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>05 February 2004</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>02/05/2004</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-27 have been examined.

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3.   Claims 20, 24 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

4.   Claim 20 recites the limitation "the build rule" in lines 1-2 of the claim. There is

insufficient antecedent basis for this limitation in the claim. Therefore, this limitation is

interpreted as "a build rule".

5.   Claim 24 recites the limitation "a build tool" on line 2 of the claim, which renders the

claim indefinite because the claim recites "a build tool" on line 1 of the claim as well. It is

unclear whether the build tool on line 2 of the claim refers to the build tool on line 1 of the claim

or whether this is another build tool. The limitation "a build tool" on line 2 of the claim is

interpreted as "the build tool".

6.   Claim 24 recites the limitation "an executable command line" on line 9 of the claim,

which renders the claim indefinite because the claim recites "an executable command line" on

line 4 of the claim as well. It is unclear whether the executable command line on line 9 of the

claim refers to the executable command line on line 4 of the claim or whether this is another

executable command line. The limitation "an executable command line" on line 9 of the claim is

interpreted as "the executable command line".

7.   Claim 27 recites the limitation "an executable command line" on line 5 of claim 27,

which renders claim 27 indefinite because claim 25 recites "an executable command line" on line

4 of claim 25. It is unclear whether the executable command line on line 5 of claim 27 refers to

the executable command line on line 4 of claim 25 or whether this is another executable

command line. The limitation "an executable command line" on line 5 of claim 27 is interpreted

as "the executable command line".

Claim Rejections - 35 USC § 101

8.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or
> any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and
> requirements of this title.

9.   Claims 1-12 and 25-27 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

10.   Claim 1 appears to be a system of software alone, lacking the necessary physical

components (hardware) to constitute a machine or a manufacture under 101. Since claim 1 is

clearly not a process or a composition of matter, it appears to fail to fall within a statutory

category and thus non-statutory.

Claims 2-12 are rejected for failing to cure the deficiencies of the above rejected non-statutory claim 1.

11.   Claim 1 appears to fail to produce a concrete, tangible and useful result. That is, claim 1 appears to fail to recite how the custom build rule object is integrated into the design environment.

Claims 2-11 are rejected for failing to cure the deficiencies of the above rejected non-statutory claim 1.

12.   Claim 25 reciting a "computer-readable medium", is not limited to tangible storage devices in view of pgs. 4-5, par. 21, lines 1-20, in the instant specification, which suggests that such a medium may be a carrier wave or transmission medium (intangible). Accordingly, claim 25 does not recite tangible manufactures, and are non-statutory subject matter.

As per claims 26-27, these claims are rejected for failing to cure the deficiencies of the above rejected base claim 25.

13.   Claim 25 appears to fail to produce a concrete, tangible and useful result. That is, claim 25 appears to fail to recite how the build rule object is integrated into the design environment.

Claim 26 is rejected for failing to cure the deficiencies of the above rejected non-statutory claim 25.

Claim Rejections - 35 USC § 102

14.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15.   Claims 1-2, 7-14, 17-22 and 24-27 are rejected under 35 U.S.C. 102(b) as being

anticipated by O'Leary (U.S. 5,950,000).

Per Claim 1:

The O'Leary patent discloses:

- a dynamic property descriptor associated with a custom build rule object, the dynamic

property descriptor storing information associated with a property of the custom build rule

object, the property of the custom build rule object associated with at least one value ("...

When a file is selected, the IPE manager invokes Visual and specifies the selected file as a

command line parameter. ..." in column 6, lines 3-25)

- and a generic property store for storing the at least one value for the property of the

custom build rule object ("... the name of the selected file is broadcast in a message ... update

their picklists ..." in column 6, lines 18-23).

Per Claim 2:

The O'Leary patent discloses:

- further comprising a content handler, the content handler receiving a tool file, the tool file comprising at least one custom build rule and generating from the at least one custom build rule the custom build rule object ("... IPE manager ..." in column 6, lines 3-25 and 38-65).

Per Claim 7:

The O'Leary patent discloses:

- further comprising a dialog for adding or modifying the tool file (column 6, lines 10-13).

Per Claim 8:

The O'Leary patent discloses:

- further comprising a dialog for adding or modifying the custom build rule (column 6, lines 57-59).

Per Claim 9:

The O'Leary patent discloses:

- further comprising a dialog for adding or modifying the property of the custom build rule object (column 6, lines 57-59).

Per Claim 10:

The O'Leary patent discloses:

- further comprising a dialog for adding or modifying the at least one value associated with the property of the custom build rule object (column 6, lines 10-19).

Per Claim 11:

The O'Leary patent discloses:

- wherein the at least one value comprises a parameter value for the property of the custom build rule object ("... When a file is selected, the IPE manager invokes Visual and specifies the selected file as a command line parameter. ..." in column 6, lines 3-25).

Per Claim 12:

The O'Leary patent discloses:

- wherein the custom build rule object transforms a generalized command line by programmatically replacing a tag with a property value to generate an executable command line (column 6, lines 46-65).

Per Claim 13:

The O'Leary patent discloses:

- associating a dynamic property with a build rule object associated with the build tool, the dynamic property associated with a switch property; associating a value with the switch property ("... When a file is selected, the IPE manager invokes Visual and specifies the selected file as a command line parameter. ..." in column 6, lines 3-25)

- and transforming a generalized command line into an executable command line by programmatically replacing a tag in the generalized command line with the value ("... after the GUI builder 214 generates a makefile. The Build entry on the menu bar of GUI 300 is pulled down to disclose the target of make "app in /home/pat/src/Makefile" as the top reference on the build target picklist ..." in column 6, lines 46-65).

Per Claim 14:

The O'Leary patent discloses:

- further comprising receiving a tool file describing the build tool, the tool file including the generalized command line and a build rule for transforming the generalized command line into the executable command line for executing the build tool (column 6, lines 3-25).

Per Claim 17:

The O'Leary patent discloses:

- further comprising generating the build rule object from the build rule (column 6, lines

38-45).

Per Claim 18:

The O'Leary patent discloses:

- wherein the build rule object generated from the build rule creates a dynamic property

descriptor (column 6, lines 3-25).

Per Claim 19:

The O'Leary patent discloses:

- wherein the value is stored in a generic property store (column 6, lines 18-23).

Per Claim 20:

The O'Leary patent discloses:

- wherein the value is associated with a particular use of the build rule in a project (column

6, lines 3-25).

Per Claim 21:

The O'Leary patent discloses:

- wherein the value is associated with the switch property via a user interface (column 6,

lines 3-25).

Per Claim 22:

The O'Leary patent discloses:

- wherein the value is associated with the switch property via a scripting language (column

6, lines 3-25).

Per Claim 24:

The O'Leary patent discloses:

- receiving a file describing a build tool, the file including a build rule, the build rule

comprising a generalized command line and a rule for transforming the generalized

command line into an executable command line for executing the tool (" ... When a file is

selected, the IPE manager invokes Visual and specifies the selected file as a command line

parameter. ..." in column 6, lines 3-25; "... load the file ... the "Generate Makefile" feature

shown in FIG. 4 in the GUI 420 of the GUI Builder 214 is invoked to create a makefile for the

application ... after the GUI builder 214 generates a makefile. The Build entry on the menu bar

of GUI 300 is pulled down to disclose the target of make "app in /home/pat/src/Makefile" as the

top reference on the build target picklist ..." in column 6, lines 38-65)

- **generating a build rule object from the build rule** ("... load the file ... the "Generate

Makefile" feature shown in FIG. 4 in the GUI 420 of the GUI Builder 214 is invoked to create a

makefile for the application ..." in column 6, lines 38-45)

- **associating a dynamic property with the build rule object, the dynamic property**

associated with a switch property; associating a value with the switch property ("... When a

file is selected, the IPE manager invokes Visual and specifies the selected file as a command line

parameter. ..." in column 6, lines 3-25)

- **and transforming the generalized command line into an executable command line by**

programmatically replacing a tag in the generalized command line with the value of the

switch property ("... after the GUI builder 214 generates a makefile. The Build entry on the

menu bar of GUI 300 is pulled down to disclose the target of make "app in

/home/pat/src/Makefile" as the top reference on the build target picklist ..." in column 6, lines

46-65).

Per Claim 25:

The O'Leary patent discloses:

- receiving a file describing a build tool, the file including a build rule, the build rule comprising a generalized command line and a rule for transforming the generalized command line into an executable command line for executing the tool (" ... When a file is selected, the IPE manager invokes Visual and specifies the selected file as a command line parameter. ..." in column 6, lines 3-25; "... load the file ... the "Generate Makefile" feature shown in FIG. 4 in the GUI 420 of the GUI Builder 214 is invoked to create a makefile for the application ... after the GUI builder 214 generates a makefile. The Build entry on the menu bar of GUI 300 is pulled down to disclose the target of make "app in /home/pat/src/Makefile" as the top reference on the build target picklist ..." in column 6, lines 38-65).

Per Claim 26:

The O'Leary patent discloses:

- generating a build rule object from the build rule ("... load the file ... the "Generate Makefile" feature shown in FIG. 4 in the GUI 420 of the GUI Builder 214 is invoked to create a makefile for the application ..." in column 6, lines 38-45).

Per Claim 27:

The O'Leary patent discloses:

- associating a dynamic property with the build rule object, the dynamic property associated with a switch property; associating a value with the switch property; and

transforming the generalized command line into an executable command line by

programmatically replacing a tag in the generalized command line with the value of the

switch property ("... When a file is selected, the IPE manager invokes Visual and specifies the

selected file as a command line parameter. ..." in column 6, lines 3-25; and "... after the GUI

builder 214 generates a makefile. The Build entry on the menu bar of GUI 300 is pulled down to

disclose the target of make "app in /home/pat/src/Makefile" as the top reference on the build

target picklist ..." in column 6, lines 46-65).

Claim Rejections - 35 USC § 103

16.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

17.   Claims 3-6, 15-16 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over

O'Leary (U.S. 5,950,000) in view of Odaka (U.S. 2003/0140333).

Per Claim 3:

The rejection of claim 2 is incorporated, and further, O'Leary does not explicitly teach

wherein the tool file is associated with a schema. Odaka teaches wherein the tool file is

associated with a schema (pg. 2, par. 25, lines 7-13).

It would have been obvious to one having ordinary skill in the computer art at the time of

the invention was made to modify the system disclosed by O'Leary to include wherein the tool

file is associated with a schema using the teaching of Odaka. The modification would be

obvious because one of ordinary skill in the art would be motivated to create customized tags

that offer great flexibility in organizing and presenting information (Odaka, pg. 1, par. 13, lines

1-5).

Per Claim 4:

The rejection of claim 2 is incorporated, and further, O'Leary does not explicitly teach

wherein the tool file comprises an XML file. Odaka teaches wherein the tool file comprises an

XML file (pg. 2, par. 25, lines 1-6).

It would have been obvious to one having ordinary skill in the computer art at the time of

the invention was made to modify the system disclosed by O'Leary to include wherein the tool

file comprises an XML file using the teaching of Odaka. The modification would be obvious

because one of ordinary skill in the art would be motivated to create customized tags that offer

great flexibility in organizing and presenting information (Odaka, pg. 1, par. 13, lines 1-5).

Per Claim 5:

The rejection of claim 4 is incorporated, and Odaka further teaches wherein the XML file

is associated with an XML schema (pg. 2, par. 25, lines 1-13).

Per Claim 6:

The rejection of claim 5 is incorporated, and Odaka further teaches wherein the XML file

is validated against the XML schema (pg. 2, par. 25, lines 1-13).

Per Claims 15 & 16:

These are method versions of the claimed system discussed above (claims 4-6), wherein all claim limitations also have been addressed and/or covered in cited areas as set forth above. Thus, accordingly, these claims are also obvious.

Per Claim 23:

The rejection of claim 15 is incorporated, and O'Leary further teaches wherein the file is received by a content handler, the content handler generating from the file at least one custom build rule object ("... IPE manager ..." in column 6, lines 3-25 and 38-65). O'Leary does not explicitly teach that the file is an XML file. Odaka teaches that the file is an XML file (pg. 2, par. 25, lines 1-6).

It would have been obvious to one having ordinary skill in the computer art at the time of the invention was made to modify the method disclosed by O'Leary to include that the file is an XML file using the teaching of Odaka. The modification would be obvious because one of ordinary skill in the art would be motivated to create customized tags that offer great flexibility in organizing and presenting information (Odaka, pg. 1, par. 13, lines 1-5).

Conclusion

18.   Any inquiry concerning this communication from the examiner should be directed to Qamrun Nahar whose telephone number is (571) 272-3730. The examiner can normally be reached on Mondays through Fridays from 9:30 AM to 6:00 PM.
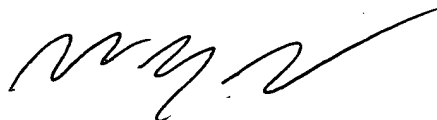
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y Zhen, can be reached on (571) 272-3708. The fax phone number for the organization where this application or processing is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QN
April 1, 2007

WEI ZHEN
SUPERVISORY PATENT EXAMINER